



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2303928
Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority ("Sound Transit")
Address of Proposal: 919 Pine Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use as a temporary staging area for future construction of a light rail transit facility. The project includes grading and filling of approximately 5,177 cubic yards and earth movement of approximately 3,400 cubic yards. An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November 1999).

The following approvals are required:

Temporary Use Permit - Seattle Municipal Code (SMC) Section 23.42.040.

SEPA - for conditioning only – Seattle Municipal Code (SMC) Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

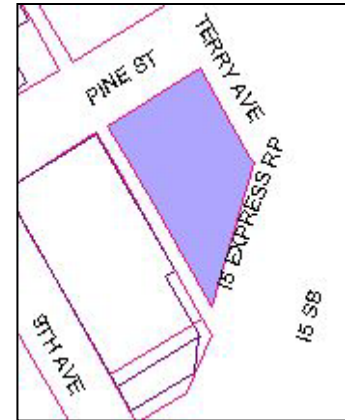
BACKGROUND DATA

Site Location: The subject property is located in Downtown Seattle on a parcel located at the corner of Pine St and Terry Avenue, at 919 Pine Street. Pine Street is an arterial street.

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999. An addendum was issued November 16, 2001.

Site Description: The 19,695 sf site is located in a DOC2-300 zone. The site is primarily covered with impervious surface, except for the basement remnant. The site has approximately 119 lineal feet of frontage along Pine Street, 117 feet along Terry, 162 feet along Interstate 5 and 227 feet along an alley to the west of the site. The site does not contain any mapped or observed Environmentally Critical Areas (ECAs).

Vicinity: Properties in the immediate area are also zoned DOC2-300. Properties to the south and east across I-5 are primarily zoned NC3-85 and HR. Surrounding uses in this part of downtown include surface parking lots, highrise residential uses, a convention center, a performing arts facility and a major transit center.



Public Comments: The Department received no comments regarding the proposal.

PROJECT DESCRIPTION

The subject proposal is an element of Sound Transit's Central Link light rail project that would ultimately connect downtown Seattle with the City of Tukwila. Under this application, Sound Transit proposes to (1) prepare the site by grading and filling on site and (2) use the property as a temporary construction "staging" area during the construction of the light rail line. Construction activities include installing one approximately 12-foot by 40-foot construction office trailer; providing parking for up to 15 vehicles; and areas for outdoor storage of related equipment. The entire area would have security fencing and lighting as well as a 24 foot wide access gate on Terry Ave. and the alley to the west of the site. The proposal includes grading of approximately 5,177 cubic yards of fill material, and removal of approximately 3,408 cubic yard of earth for the future construction of a Stub Tunnel Vent Shaft. The site improvements are intended to be in place for only the duration of the construction of the light rail system, which is scheduled for up to 60 months.

ANALYSIS - TEMPORARY USE

Pursuant to SMC 23.42.040, the Director may "grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in a zone, which are in keeping with the spirit and purpose of the Land Use Code." Furthermore, SMC 23.42.040(E) states that the Director may authorize a temporary use that supports the construction of a light rail transit facility provided that the requested use meets a specified set of criteria. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

1. *“The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;”*

The City Council has passed resolutions and ordinances approving the alignment, station locations, and maintenance bases for Sound Transit’s proposed light rail system. (For additional information, refer to Resolution 30128 and Ordinances 119904, 119974, and 119975.) The temporary use for a construction staging area would accommodate Sound Transit’s proposal to construct the light rail tracks and other supporting systems along this portion of their proposed route. The proposed staging area is consistent with the resolution and ordinances passed by the City Council.

2. *“The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;”*

Sound Transit anticipates that the staging area would be required for approximately 34 months during construction, which is currently estimated to be from March 2004 through December 2006.

3. *“The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:”*

- a. *“Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).”*

The construction and operation of the temporary staging area appears to meet the minimum requirements of the Noise Control Ordinance and the Stormwater, Grading and Drainage Ordinance. However, construction activities to establish the staging area would generate short-term noise. The applicant will be required to submit to DPD a Construction Noise Mitigation Plan, which is reviewed in the SEPA analysis section of this decision, as well as being required to submit a copy of any necessary demolition permits from the Puget Sound Clean Air Agency (PSCAA) to DPD, who has authority for mitigating any air quality impacts associated with the proposal.

- b. *“Light. To the extent feasible, light should be shielded and directed away from adjoining properties.”*

The applicant has indicated that lighting will be directed inward to the site and have hoods around the lamps to prevent unintentional glare, as required under SMC 23.49.010.

- c. *“Best Management Practices. Construction activities on the site must comply with Director's Rule #16-2000, Best Management Practices for Construction Erosion and Sedimentation Control Plans.”*

The construction work for the proposal includes one, 25-foot wide curb cut to be located on Terry Ave. The curb cut appears to comply with the City of Seattle, Standard Plan for a Type 430 Driveway, however a separate curbcut permit will be required. Grading activity will also comply with the above mentioned Director's Rule for building permit approval.

- d. *“Parking and Traffic. Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and resulting from temporary construction-worker parking, including measures to reduce demand for parking by construction employees must be included.”*

For construction activities, a parking lot for employees and contractors will be provided at an existing parking lot between Howell Street and Olive Way, at 9th Avenue, and other locations as needed. This site is within 800 feet of the project. In addition, Sound Transit has developed contractor specifications that require their contractors to reduce potential impacts associated with temporary construction-worker parking, including prohibition of employees of the contractor or its subcontractors from parking anywhere other than the contractor-furnished parking areas.

Traffic impacts associated with the staging area includes truck trips to haul fill material to the site as well as traffic impacts associated with the employees working at the site. As with parking requirements developed by ST, a series of specifications have been developed that address vehicle trips by both trucks and workers to the site. To ensure smooth operation of traffic heading westbound into the downtown shopping core, two lanes of traffic heading westbound on Pine Street will remain open.

- e. *“Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.”*

A Community Outreach Plan has been proposed by ST for adjacent and affected properties. The plan will include setting of regular meetings and contacts with affected or interested individuals. Sound Transit's, Special Provision SP-3.02G2, requires the contractor to maintain driveway and pedestrian access to all properties unless there is prior approval of the property owner. Street level construction activities will not occur during the holiday shopping season from Thanksgiving through New Years Day. (See Special Provisions: Table 6 – Construction Constraints, No.17, page 37). In addition, Special Provisions: Table 6 – Construction Constraints, No. 6, page 36, provides limitations on activities during performances at the adjacent Paramount Theater.

- f. *“Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.”*

Security would be maintained at the construction site. Sound Transit's, Special Provision SP-14, requires the contractor to prepare a comprehensive security plan detailing measures that will be taken to secure all staging and construction sites from unauthorized entrance. The plan includes, as appropriate, provisions for full perimeter fencing of staging areas, and the provision of security lighting. This is reflected in the application materials for the project.

- g. "Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties."*

Vehicular access to the site will be made from Terry Ave, a dead end street, as well as on the alley to the west of the site. The sidewalk along the south side of Pine Street will be closed for extended portions of the use period. Pedestrians will be directed to the walkway on the north side of Pine Street during those periods. Walkways on both sides of Pine Street will be open during the holiday period of Thanksgiving through New Years Day. ST has also developed specifications that requires the contractor to conduct its work with due regard for the health, welfare, mobility, safety, and convenience of the public. This provision also prohibits the contractor from obstructing pedestrian traffic, parking spaces, or vehicular or pedestrian visibility without the provision of appropriate traffic control measures. A Seattle Department of Transportation (SDOT) Truck Transportation and Haul Route Plan will be used and temporary traffic control measures will be required when work is conducted within the public right-of-way.

- h. "Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems."*

As referenced above, Sound Transit has indicated that the project would include the development and implementation of a plan to facilitate management of community issues and mitigation of construction impacts. Outreach efforts could include public meetings, construction advisories, newsletters, and other community programs. In addition, as described above, the project contractor would be required to coordinate work with adjacent property owners and participate and assist in Sound Transit community outreach efforts. As part of this effort, the contractor must designate an individual to work with Sound Transit as the contractor's representative responsible for community issues, reporting emergencies, and communicating timely construction information for public release. This person will be "on-call" 24-hours a day to address community concerns. Finally, information signs would be posted on the site and a 24-hour phone number provided. (See special Provisions SP-15.00 Community Outreach)

- i. "Temporary structures must be constructed to withstand inclement weather conditions."*

The construction trailers to be installed at the staging area site would be constructed to withstand inclement weather conditions.

- j. *“Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.”*

Vibrations from activities associated with the staging area are expected to be minimal, not requiring any specific mitigation.

4. *“Site Restoration.”*

- a. *“The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.”*
- b. *“The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.”*
- c. *“Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.”*
- d. *“The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.”*

The applicant will be required to remove the temporary fence and curbcut within 180 days of cessation of the site for temporary construction staging area and re-establish a use upon completion of their use activities. ST intends to submit a restoration plan prior to issuance of associated construction permits.

- 5. *“A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the master use permit application.”*

The City’s Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On December 22, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

DECISION – TEMPORARY USE

The temporary use application request is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of this report.

ANALYSIS - SEPA

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail stations and temporary staging areas in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short-term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and grading activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of asbestos that may be encountered during the demolition of the site's existing structures. However, no permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. Therefore, a condition shall be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of any grading permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Compliance with PSCAA regulations would mitigate any other potential adverse short term impacts to air associated with demolition and installation of equipment facilities.

Grading - Earth/Soils

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. As the project calls for hauling and placement of fill in excess of this amount, a report has been provided prepared by Shannon and Wilson. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site and off site per Sound Transit's contractor specifications.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

Noise

Demolition and other construction activities associated with the temporary staging area would generate short-term noise. The applicant requires that its Contractor comply with the City's noise control ordinance (SMC Chapter 25.08), and, provide a Noise Control Plan and Noise Monitoring Plan within 45 days of Notice To Proceed, and Weekly Noise Measurement Reports. (Standard Specifications Section 01564 – Construction Noise and Vibration Control) In addition, Sound Transit is developing a community outreach program that requires its contractor and Sound Transit, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors. The Sound Transit has a community outreach program will keep the adjacent communities informed throughout construction. The outreach program will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour

construction hotline would be established, and a record kept of all noise complaints. When a complaint is received, Sound Transit would use every reasonable effort to resolve it to the satisfaction of the complainant. The project should be conditioned to require that Sound Transit submit to Department of Planning and Development (DPD) upon request a list of the noise complaints received during construction of the temporary staging area and Sound Transit's response to each complaint. DPD will review the list to verify that Sound Transit is taking reasonable measures to mitigate demolition and construction noise.

Long-term Impacts

No long-term or use-related impacts are anticipated since the proposal is a temporary use. The site would be left clean and restored to a "natural" state upon completion of construction activities suitable for future development.

CONCLUSION -SEPA

Applicable conditions of approval together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for most impacts identified in the adopted environmental documents. However, additional conditioning to mitigate short-term noise impacts is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The DEIS and FEIS together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DPD's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DPD relies on Sound Transit's FEIS in conditioning project approval.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

CONDITIONS - SEPA

The applicant (Sound Transit) shall:

Prior to Issuance of Construction Permit

1. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Demolition Permit(s).
2. The applicant shall submit, for review and approval by DPD, a Noise Control Plan and Noise Monitoring Plan within 45 days of Notice To Proceed, and a Community Outreach Plan. The Plan shall include provisions to address construction noise from activities on

the site, including hauling of earth and/or materials to and from the site, the activities of the staging area in relation to activities and/or events occurring at Paramount Theater and how such impacts will be mitigated. The Community Outreach Plan shall also include how community outreach to address noise related complaints will be addressed and managed during the life of the temporary use.

During Construction

1. The applicant shall comply with the Community Outreach Plan, Noise Control Plan and Noise Monitoring Plan approved by DPD. The applicant shall submit to DPD upon request a list of the noise complaints received during construction of the temporary staging area and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the Community Outreach Plan, Noise Control Plan and Noise Monitoring Plan and that reasonable measures are taken to mitigate demolition and construction noise.

For the Life of the Project

1. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DPD shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: (signature on file) Date: April 12, 2004
Michael Jenkins, Senior Land Use Planner
Department of Planning and Development
Land Use Services